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RIGHT TO KNOW FEE ASSESSMENT

WAC 296-63-001 Purpose and scope. This chapter establishes a fee assessment under the Worker and Community Right to Know Act in accordance with RCW 49.70.170.
[Statutory Authority: RCW 49.17.040 and 49.17.050. 86-23-003 (Order 86-38), § 296-63-001, filed 11/6/86.]

WAC 296-63-003 Definitions. Unless the context clearly requires otherwise, the definitions of this section shall apply throughout this chapter.

(1)   **"Department"** means the department of labor and industries.

(2)   **"Director"** means the director of the department of labor and industries or his/her designee.
[Statutory Authority: RCW 49.17.040 and 49.17.050. 86-23-003 (Order 86-38), .§ 296-63-003, filed 11/6/86.]

WAC 296-63-005 Selected industries. Fees shall only be assessed to employers engaged in business operations having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal Office of Management and Budget, within the following major groups:

(1)   Numbers 01 through 08 (agriculture and forestry industries).

(2)   Numbers 10 through 14 (mining industries).

(3)   Numbers 15 through 17 (construction industries).

(4)   Numbers 20 through 39 (manufacturing industries).

(5)   Numbers 41, 42, and 44 through 49 (transportation, communications, electric, gas, and sanitary services).

(6)   Number 75 (automotive repair services, and garages).

(7)   Number 76 (miscellaneous repair services).

(8)   Number 80 (health services).

(9)   Number 82 (educational services).
[Statutory Authority: RCW 49.17.040 and 49.17.050. 86-23-003 (Order 86-38), § 296-63-005, filed 11/6/86.]

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WAC 296-63-007 Fee assessment.

(1)   The department shall assess an annual fee to each employer in the selected industries identified in WAC 296-63-003.

(2)   The fee shall only be assessed to employers who reported ten thousand four hundred or more worker hours to the department.

(3)   The fee assessment shall be based on reported worker hours for the prior calendar year.

(4)   One full-time equivalent employee is equal to two thousand eighty worker hours.

(5)   The fee assessment shall be two dollars and fifty cents for each full-time equivalent employee. Any fraction of a full-time equivalent employee shall be counted as one full-time equivalent employee.

(6)   The annual fee shall not exceed fifty thousand dollars for an individual employer.

(7)   All fees collected by the department shall be deposited in the worker and community right to know fund.
Statutory Authority: RCW 49.17.040 and 49.17.050. 86-23-003 (Order 86-38), § 296-63-007, filed 11/6/86.]

WAC 296-63-009 Exemption requests.

(1)   Employers who do not have hazardous chemicals at their workplace may submit a written request for exemption to the department. Submission of an exemption request does not relieve an employer of his/her obligation to pay the fee assessment until such time as the request is approved.

Employers granted exemptions will be removed from the listing of employers to be assessed a fee beginning with the current billing period.

(2)   Exemptions shall only be considered for an employer's entire workplace consisting of all activities reported to the department under the same employer identification number.

(3)   Each request for exemption must contain the following information:

(a)   Firm name and employer identification number;

(b)   Complete mailing address;

(c)   Complete location (such as street) address;

(d)   A certified statement in the form required by RCW 9A.72.085 that a hazardous chemical survey of the employer's premises has been completed by a qualified person, the identity and qualifications of the person completing the survey, and that no hazardous chemicals as defined by WAC 296-800-170 are present at the workplace.

(4)   The department may schedule an on-site inspection to determine the validity of the exemption request.

(5)   The employer shall provide to the department within five working days of receiving a request from the department, any additional information identified by the department as necessary for evaluating the exemption request.

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WAC 296-63-009 (Cont.)

(6)   Exemption requests shall be mailed to:

> Right to Know Program
> Department of Labor and Industries
> PO Box 44620
> Olympia, Washington 98504-4620

[Statutory Authority: RCW 49.17.010, .040, and .050. 01-11-038 (Order 99-36), § 296-63-009, filed 05/09/01, effective 09/01/01. Statutory Authority: RCW 49.70.170 and 49.17.040. 97-21-042 (Order 97-23), filed 12-31-97; 86-23-003 (Order 86-38), § 296-63-009, filed 11/6/86.]

WAC 296-63-011 Fraudulent exemption requests.

(1)   The department may assess a civil penalty against any employer who submits a fraudulent exemption request. Such penalty assessment shall be consistent with RCW 49.17.180(1), and shall not exceed seventy thousand dollars.

(2)   In addition, the director may cause a record of such fraudulent exemptions submission to be referred to the prosecuting attorney of the county wherein such submission occurred.

[Statutory Authority: Chapter 49.17 RCW. 91-24-017 (Order 91-07), § 296-63-011, filed 11/22/91, effective 12/24/91. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-23-003 (Order 86-38), § 296-63-011, filed 11/6/86.]

WAC 296-63-013 Appeals. An employer may appeal the fee assessment or penalties in accordance with RCW 49.70.170(4).

[Statutory Authority: RCW 49.17.040 and 49.17.050. 86-23-003 (Order 86-38), § 296-63-013, filed 11/6/86.]

WAC 296-63-015 Fee assessment not received. When fee assessments are not received by the department, penalties shall be assessed to the delinquent employer in accordance with chapter 49.70 RCW and RCW 49.70.177.

[Statutory Authority: RCW 49.17.040 and 49.17.050. 86-23-003 (Order 86-38), § 296-63-015, filed 11/6/86.]